

COPY OF PAPERS
ORIGINALLY FILED

PATENT

Docket No. 265.00170101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | | |
|-------------------|--|---|-----------------|------------|
| Applicant(s): | Lloyd et al. |) | Group Art Unit: | 1652 |
| | |) | | |
| Serial No.: | 09/864,866 |) | Examiner: | M. Walicka |
| Confirmation No.: | 2264 |) | | |
| | |) | | |
| Filed: | May 23, 2001 |) | | |
| | |) | | |
| For: | DNA REPAIR POLYPEPTIDES AND METHODS OF USE | | | |

RECEIVED

MAR - 6 2002

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed January 9, 2002, Applicants elect, with traverse, Group I (claims 1-12), drawn to a polypeptide having pyrimidine glycosylase activity. Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants respectfully request reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

Were restriction to be effected between the claims of Groups I-VII, a separate examination of the claims in these seven groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I-VII would have to be as rigorous as when only the claims of Group I, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I-VII, it would place an undue burden by requiring

Response to Restriction Requirement

Applicant(s): Lloyd et al.

Serial No.: 09/864,866

Confirmation No.: 2264

Filed: May 23, 2001

For: DNA REPAIR POLYPEPTIDES AND METHODS OF USE



**COPY OF PAPERS
ORIGINALLY FILED**

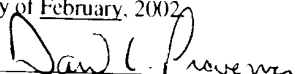
Page 2 of 2

payment of six separate filing fees for examination of the nonelected claims, as well as the added costs associated with prosecuting seven applications and maintaining seven patents.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number if prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 11th day of February, 2002.


David L. Provence

Respectfully submitted for

Lloyd et al.

By

Mueting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612)305-1220

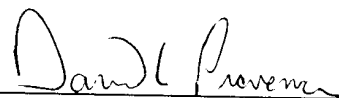
Facsimile: (612)305-1228

Customer Number 26813

February 11, 2002

Date

By:



David L. Provence

Reg. No. 43,022

Direct Dial (612) 305-1005